

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NAUSHEEBAH KAZMI,

Plaintiff

V.

PUBLIX SUPER MARKETS, INC.
and JOHN DOES 1-5,

Defendants

CIVIL ACTION

FILE NO. _____

PETITION FOR REMOVAL

TO: The Judges of the United States District Court, Northern District of Georgia

The Petition of Defendant Publix Super Markets, Inc. respectfully shows the Court as follows:

1.

A civil action has been brought against Defendant Publix Super Markets, Inc. (“Publix”) in the State Court of Cobb County, Georgia, being Civil Action No. 21-A-3285, wherein Plaintiff Nausheebah Kazmi seeks recovery of damages in excess of \$75,000.

2.

The Plaintiff is now, was at the time of the commencement of this action, and at all times since has been a citizen and resident of the State of Georgia.

3.

Defendant Publix Super Markets, Inc is now, was at the time of the commencement of this lawsuit, and at all times since, a corporation organized and existing under the laws of the State of Florida, having its principal place of business in Lakeland, Florida.

4.

Under 28 U.S.C. § 1441(b), the citizenship of John Doe defendants is disregarded.

5.

This Defendant attaches copies of the following documents that were filed with the State Court of Cobb County:

- Exhibit A Complaint;
- Exhibit B Plaintiff's First Request for Admissions to Defendant Publix Super Markets, Inc.;
- Exhibit C Plaintiff's First Interrogatories to Defendant Publix Super Markets, Inc.;
- Exhibit D Plaintiff's First Request for Production of Documents to Defendant Publix Super Markets, Inc.;
- Exhibit E Answer of Publix Super Markets, Inc.

6.

In Plaintiff's *Complaint for Damages*, which was filed in the State Court of Cobb County on September 14, 2021 and served upon Publix's registered agent for service on September 15, 2021, Plaintiff Nausheebah Kazmi asserts that she is entitled to an award of special damages for past and future medical expenses and lost wages in an amount to be shown at trial and general damages in an amount to be determined by a jury. In her *Complaint for Damages*, the Plaintiff further alleges a claim for expenses of litigation, including reasonable attorney's fees under O.C.G.A. § 13-6-11.

7.

On September 20, 2021, and following the filing of the *Complaint for Damages* in the State Court of Cobb County, Plaintiff's counsel, Sarah P. Cornejo of Sarah Cornejo Law, LLC, wrote to Lucinda "Cindy" Poortinga, AIC, Senior Claims Consultant in the Risk Management Department at Publix Super Markets, Inc. and communicated a settlement demand on behalf of Plaintiff Nausheebah Kazmi in the amount of \$200,000. Set forth below is a true and accurate copy of the e-mailed settlement demand from Plaintiff's counsel:

From: Sarah Cornejo <sarah@scornejolaw.com>
Sent: Monday, September 20, 2021 3:52 PM
To: Cindy Poortinga <Lucinda.Poortinga@publix.com>; lucinda.poorting@publix.com
<lucinda.poorting@publix.com>**Cc:** Alexandros Cornejo <alex@scornejolaw.com>; Aimee Davids
<aimee@scornejolaw.com>
Subject: RE: Nausheebah Kazmi v. Publix- Offer to settle

Cindy,

Please accept this email as our preliminary offer to settle this case for \$200,000.00 prior to engaging in discovery in this case. Should this offer to compromise be denied and we move into exchanging discovery then this offer is off of the table.

Thank you for the call and your willingness to discuss resolving this matter.

best regards,

Sarah P. Cornejo
Managing Partner
Sarah Cornejo Law, LLC

8.

The above September 20, 2021 e-mail from Plaintiff's counsel Sarah Cornejo to Defendant Publix communicating a settlement demand in the amount of \$200,000 reflects that the amount in controversy in the within action is in excess of the jurisdictional amount of \$75,000.

9.

Now within thirty (30) days after receipt of Plaintiff's *Complaint for Damages*, and papers reflecting that the amount in controversy exceeds \$75,000, Defendant Publix hereby removes the within action to the U.S. District Court for the Northern District of Georgia, Atlanta Division pursuant to 28 U.S.C. § 1446(b).

10.

This action could have originally been brought in this Court under 28 U.S.C. § 1332, in that it is a civil action wherein the amount in controversy exceeds seventy-five thousand dollars (\$75,000), exclusive of interest and cost, and there is diversity of citizenship between the parties.

11.

As between the Plaintiff and Defendant Publix Super Markets, Inc. there exists complete diversity of citizenship under 28 U.S.C. § 1332(a).

12.

Pursuant to 28 U.S.C. § 1441, et seq., this action is now removable by reason of diversity of citizenship, there being more than \$75,000.00 in controversy, exclusive of interest and costs.

13.

Defendant Publix will file a Notice of Removal in the State Court of Cobb County, Georgia advising that the within action has been removed to U.S. District Court.

WHEREFORE, Defendant Publix Super Markets, Inc. hereby files the within Petition for Removal to this Honorable Court.

FAIN MAJOR & BRENNAN, P.C.

/s/Gene A. Major

GENE A. MAJOR

Georgia Bar No. 466650

JAMES W. HARDEE

Georgia Bar No. 324399

JOSEPH KNIGHT

Georgia Bar No. 205544

Counsel for Publix Super Markets, Inc.

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CERTIFICATE OF SERVICE

This is to certify that I have this date served upon all counsel in the foregoing matter a copy of the foregoing **Petition for Removal** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification to all attorneys of record.

This 24th day of September, 2021.

FAIN MAJOR & BRENNAN, P.C.

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